

EXHIBIT 10

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK
No. 10-cv-06950 (AT) (JCF)

H. CRISTINA CHEN-OSTER; :
LISA PARISI and SHANNA ORLICH, : Deposition of:
Plaintiffs, : DAVID LANDMAN
-against- :
GOLDMAN, SACHS & CO. and :
THE GOLDMAN SACHS GROUP, INC., :
Defendants. :

TRANSCRIPT of testimony as taken by
and before MONIQUE VOUTHOURIS, a Certified Court
Reporter, RPR, CRR and Notary Public of the States
of New Jersey and New York, at the offices of
OUTTEN & GOLDEN, LLP, 3 Park Avenue, New York,
New York, on Thursday, September 5, 2013,
commencing at 9:45 a.m.

<p>1 APPEARANCES:</p> <p>2 COUNSEL FOR PLAINTIFFS:</p> <p>3 OUTTEN & GOLDEN, LLP</p> <p>4 3 Park Avenue</p> <p>5 New York, New York 10016</p> <p>6 212.245.1000</p> <p>7 BY: ADAM T. KLEIN, ESQ.</p> <p>8 atk@outtengolden.com</p> <p>9 COUNSEL FOR DEFENDANTS:</p> <p>10 PAUL HASTINGS, LLP</p> <p>11 875 15th Street, N.W.</p> <p>12 Washington, DC 20005</p> <p>13 202.551.1717</p> <p>14 BY: BARBARA BERISH BROWN, ESQ.</p> <p>15 barbarabrown@paulhastings.com</p> <p>16 CARSON H. SULLIVAN, ESQ.</p> <p>17 carsonsullivan@paulhastings.com</p> <p>18 ALSO PRESENT:</p> <p>19 REGINA S. PALUMBO, ESQ.</p> <p>20 Goldman Sachs</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 REDACTED FILED UNDER SEAL</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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<p>1 REDACTED FILED UNDER SEAL</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p>1 REDACTED FILED UNDER SEAL</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
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**DECLARATION OF THEODORE O. ROGERS, JR.
IN OPPOSITION TO PLAINTIFFS' MOTION FOR
CLASS CERTIFICATION**

**EXHIBIT 10 - TRANSCRIPT OF THE DEPOSITION OF DAVID LANDMAN
DATED SEPTEMBER 5, 2013
(PAGES 6-141)**

FILED UNDER SEAL

<p>1 REDACTED FILED UNDER SEAL</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>[Page 142]</p>	<p>1 of solicited and unsolicited reviews." Do you see</p> <p>2 that?</p> <p>3 A. I do.</p> <p>4 Q. It says: "If there are fewer three</p> <p>5 solicited reviews, consider seeking out additional</p> <p>6 feedback informally." What does that mean?</p> <p>7 A. That if there are fewer than three</p> <p>8 solicited reviews, that the manager should consider</p> <p>9 seeking out additional feedback.</p> <p>10 Q. Why should the feedback be in the form</p> <p>11 of an informal versus formal feedback?</p> <p>12 A. My interpretation of this statement is</p> <p>13 in -- this would be a very unusual circumstance where</p> <p>14 the number of solicitor reviews actually submitted,</p> <p>15 and, once again, we have 98 or 99 percent of reviews</p> <p>16 submitted, is less than three, that there may be not</p> <p>17 enough of a scope of 360 degree feedback and the</p> <p>18 manager could potentially supplement.</p> <p>19 Q. Do you know whether the informal</p> <p>20 supplementation would be recorded through the FRS</p> <p>21 system?</p> <p>22 A. Well, I can't speak to -- I have never</p> <p>23 been aware of an instance like this. But if a manager</p> <p>24 did have informal discussions to gather feedback, one</p> <p>25 would expect them to incorporate that feedback into</p> <p>[Page 144]</p>
<p>1 REDACTED FILED UNDER SEAL</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>[Page 143]</p>	<p>1 their summary and delivery of the performance review,</p> <p>2 or the 360 review, the -- their determination of their</p> <p>3 manager quartile and so on.</p> <p>4 Q. In the next sentence it says be careful</p> <p>5 not to use a limited number of data points to</p> <p>6 determine one's year end performance. Do you see that</p> <p>7 reference?</p> <p>8 A. I do.</p> <p>9 Q. What is the point of that?</p> <p>10 A. Well, this appears to be an expansion</p> <p>11 of the previous comment of fewer than three solicited</p> <p>12 reviewers. But the general theme is the point of the</p> <p>13 360 review is to gather feedback from others, and this</p> <p>14 is additional information that if a manager thinks</p> <p>15 there is not enough feedback, they could collect</p> <p>16 additional feedback informally.</p> <p>17 Q. On the following page, it's 119431,</p> <p>18 it's two pages later, there is nine criteria listed.</p> <p>19 Do you see that?</p> <p>20 A. Yes.</p> <p>21 Q. And this is for the summer 2007 review</p> <p>22 process. Again, are these the nine criteria generally</p> <p>23 used for the FRS system for the review of employees?</p> <p>24 MS. BROWN: Objection; asked and</p> <p>25 answered.</p> <p>[Page 145]</p>

<p>1 A. For this particular year, and that is</p> <p>2 in reference to in Section C the adjusted nine item</p> <p>3 average comparison, in that particular year that</p> <p>4 average of nine items included those particular</p> <p>5 criteria.</p> <p>6 Q. So is it the case that the criteria for</p> <p>7 FRS review may change from year to year?</p> <p>8 MS. BROWN: Object to the form;</p> <p>9 misstates the testimony.</p> <p>10 Q. Do you know whether that's true?</p> <p>11 A. It is the case that we frequently</p> <p>12 review our 360 reviews, most recently in our 2010</p> <p>13 validation study, and do make adjustments to the</p> <p>14 categories, although the themes generally remain</p> <p>15 consistent in the way that those categories are</p> <p>16 broadly defined for the businesses to interpret and</p> <p>17 apply in their own context.</p> <p>18 Q. Specific to this document to the summer</p> <p>19 of 2007, are there any performance criteria that are</p> <p>20 not included here that relate to employee performance?</p> <p>21 MS. BROWN: When you say "here," you're</p> <p>22 referring to --</p> <p>23 Q. The nine criteria.</p> <p>24 A. So if you look at page 119433, there</p> <p>25 are 10 items listed there. In this particular example</p> <p style="text-align: right;">[Page 146]</p>	<p>1 REDACTED FILED UNDER SEAL</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">[Page 148]</p>
<p>1 there is -- there is one additional item that is not</p> <p>2 included in those -- that nine-item average.</p> <p>3 Q. I see. Let me try it a different way.</p> <p>4 The 10 that are listed on 119433, is</p> <p>5 there any other major aspect of performance that is</p> <p>6 not reflected in these review criteria?</p> <p>7 MS. BROWN: Again, I'm going to object</p> <p>8 to the form; it's a fact not in evidence.</p> <p>9 A. These are the criteria, in this</p> <p>10 particular example of these 10 items, these are the</p> <p>11 criteria that we ask others to provide feedback on,</p> <p>12 which is one perspective of a much more expansive view</p> <p>13 of somebody's performance.</p> <p>14 MS. PALUMBO: Adam, I know we're on a</p> <p>15 document, but we need to take a break. Is now okay?</p> <p>16 MR. KLEIN: Yes, that's fine.</p> <p>17 (Recess 2:24 p.m.- 2:48 p.m.).</p> <p>18 MS. GREENE: So I'm just going to read</p> <p>19 into the record what the email from Anne Shaver on</p> <p>20 June 20th, copying Kelly and Barbara and me, and it</p> <p>21 says a number of things, but it says: "I want to make</p> <p>22 clear that the 30(b)(6) deposition on performance</p> <p>23 evaluation will include both the 360 process and</p> <p>24 manager quartiling. Our amended deposition notice so</p> <p>25 stated, as did my June 18, 2013 email to you and</p> <p style="text-align: right;">[Page 147]</p>	<p>1 REDACTED FILED UNDER SEAL</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p style="text-align: right;">[Page 149]</p>

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